

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, DECEMBER 9, 2003**  
**COUNTY COMMISSIONERS CHAMBERS, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

Commissioners Present: Bernie Heier, Chair  
Ray Stevens, Vice Chair  
Larry Hudkins  
Deb Schorr  
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Trish Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, December 2, 2003.**

**MOTION:** Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated December 2, 2003. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **CLAIMS: Approval of all claims processed through Tuesday, December 9, 2003.**

**MOTION:** Workman moved and Stevens seconded approval of all claims processed through December 9, 2003. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

**A. Continuation of a public hearing regarding an application for Corporate Manager for Ronald D. Bartholomew and an application for a Class M (Bottle Club) liquor license for the Penalty Box Pub, L.L.C. located at 1800 State Fair Park Drive in Lincoln, Lancaster County, Nebraska.**

The Chair reconvened the hearing and noted that the Board did receive written response from Ronald D. Bartholomew regarding the completion of the application.

In response to a question asked by Workman, Bartholomew stated he applied for a liquor license for his establishment at South 48<sup>th</sup> Street and Highway 2 in 1999.

Schorr inquired about hours of operation.

Bartholomew responded that he spends 50 to 60 hours per week at the present location. The other location opens at 9:30 p.m. for approximately four hours.

Schorr asked about the role of Thomas Liddy in relation to the operation of the facility.

Bartholomew stated that Liddy is an investor and would have no active role in the management of the facility.

The Chair asked if anyone else wished to testify in favor, opposition or in a neutral position.

The Clerk administered the oath to Terry Wagner, Sheriff.

Wagner clarified that his office lists the violations for the manager, their spouse and any corporate partner with more than 25 percent interest in the business. He explained that some violations are automatic disqualifiers according to State Statutes and some are in relation to the individual's character. Wagner added that since December, 2000 there have been six liquor violations at the Penalty Box on South 48<sup>th</sup> Street and Nebraska Highway 2.

No one else appeared and the hearing was closed.

4) **PUBLIC HEARINGS CONTINUED:**

**MOTION:** Workman moved and Hudkins seconded to deny the application for Corporate Manager for Ronald D. Bartholomew and an application for a Class M (Bottle Club) liquor license for the Penalty Box Pub, L.L.C. located at 1800 State Fair Park Drive in Lincoln, Lancaster County, Nebraska because of an incomplete application.

Stevens stated he would be more inclined to request Ronald Bartholomew to submit an amended application with the Liquor Control Commission.

Schorr asked if there is a waiting period to resubmit an application if it is denied.

The Chair requested further action be held to allow the County Attorney's Office to review the statutes regarding a waiting period.

**B. Issuance of Hospital Revenue Bonds, Series 2003 (Child Guidance Center, Inc. Project) by Hospital Authority Number 1 of Lancaster County, Nebraska, in the total amount, not to exceed \$1,300,000.**

The Clerk administered the oath to Lauren Wismer, bond counsel for Hospital Authority Number 1.

Wismer explained that a public hearing regarding the bonds is required by Section 147(f) of the Internal Revenue Code. He stated Child Guidance has requested the Hospital Authority to refinance two outstanding loans which they have through Wells Fargo. One loan is for the office at 2444 "O" Street and the other is for their residential facility at 904 Sumner Street. Wismer stated the bonds would be privately placed (one purchaser) and that the interest rate was just over five percent.

Also appearing were Carol Crumpacker, Director of Child Guidance, and Pat Greed, Child Guidance Center.

The Chair asked if anyone else wished to appear.

No one appeared and the hearing was closed.

5) **OLD BUSINESS:**

- A. **An interlocal agreement with the City of Lincoln and United Way of Lincoln to jointly provide funding for a contract with the Public Policy Center for implementation of the Community-Based Human Services Needs Assessment. The City of Lincoln, United Way of Lincoln and Lancaster County will each pay \$35,000 of the total contract cost of \$105,000. Term of the agreement is July 1, 2003 to June 30, 2004. (C-03-0588)**

**MOTION:** Schorr moved and Stevens seconded approval of an interlocal agreement with the City of Lincoln and United Way of Lincoln to jointly provide funding for a contract with the Public Policy Center for implementation of the Community-Based Human Services Needs Assessment. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

The Chair requested New Business Items 6K through 6M be moved forward on the agenda.

**NEW BUSINESS ITEM 6K:**

- K. **Appointment of Melinda E. Pearson and Eugene W. Carroll to the Lincoln-Lancaster Planning Commission for six year terms, expiring August 24, 2009.**

**MOTION:** Stevens moved and Schorr seconded approval of the appointment of Melinda E. Pearson and Eugene W. Carroll to the Lincoln-Lancaster Planning Commission for six year terms, expiring August 24, 2009. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

The Chair read the following statement into the record (Exhibit 1):

"After receiving numerous letters and inquiries regarding Mr. Steward's reappointment to the Lincoln-Lancaster County Planning Commission, I feel it is time to place my statement on the record. I am speaking only for myself as a Lancaster County Commissioner with one vote, not for the County Board as a whole.

Please let it be understood that through a City ordinance and an interlocal agreement with the Lancaster County Board, the term of a Planning Commissioner is six years unless someone is appointment to fill an unexpired term.

## NEW BUSINESS ITEM 6K CONTINUED:

In a meeting with Vice Chairman Stevens, Mayor Seng and Mark Bowen, the Mayor's Chief of Staff, and myself, we learned the Mr. Steward was only willing to serve two years of the six-year term.

A meeting was also held with Mr. Steward, Commissioner Schorr and Vice Chairman Stevens, at which time Mr. Steward stated he did, in fact only wish to serve two years. Knowing Mr. Steward's intent, I could not vote for him.

As currently written, the City ordinance, which I have here and will place into record and will give to each of my fellow County Commissioners and anybody else who wants one . . . The City ordinance does not allow Planning Commissioners to be appointed for a term less than six years. If we are going to allow one person to choose his/her length of term, then all current Planning Commissioners and future nominees should be afforded the same opportunity.

In my years of serving on the Planning Commission and the County Board, to my knowledge this is the first time anyone has come forward asking to be appointed for a term less than six years. For this reason, I could not vote for Mr. Steward's nomination, nor would I reconsider under these circumstances."

Offered by Heier and marked for the record was documentation regarding Planning Commission membership and term of office to Board members (Exhibit 2).

Hudkins responded to a comment from the editorial in the *Journal Star* on Friday, December 5, 2003 that by rejecting Cecil Steward's nomination, the County Board sent a message that it wanted a Planning Commission member who is docile, uncritical and compliant by stating the following:

"This Commissioner never, ever voted that way and I didn't hear anybody on this Board or I didn't hear this Board or any member of it, say that Mr. Steward wasn't a qualified person to be on the Planning Commission. What this Board did do was take a recommendation to the Mayor's Office that Mr. Duvall also served very well and that if both of those people came forward, the Mayor's Office was given the choice between Jennifer Brinkman and Cecil Steward. I don't ever recall this Board ever saying that had any objection to Cecil Steward serving as a member of the Planning Commission. And I would like to this opportunity to thank Mr. Duvall and Mr. Steward, both, for their service to Lincoln and Lancaster County on the Planning Commission. I just think what we tried to achieve was balance as we went through this exercise. The County Board did have the right . . . I think it had been done once before when the Chairman of the Planning Commission did not receive approval of the County Board a number of years ago. That safeguard was

**NEW BUSINESS ITEM 6K CONTINUED:**

put in there so that it really is an interlocal agreement which is good for the City, the Mayor's Office and the County Board. It's a triumverant and it has to be nominees that are acceptable to all three bodies. So, I don't think this Board did anything but exercise its right and its ability to make its voice be heard as a part of that working relationship. I look forward to the new candidates that we do have and the committed ones that are on the Planning Commission and what's good for Lincoln is good for Lancaster County and vice versa. What's good for Lancaster County is good for Lincoln. Just tickled to death that we've got people that are willing to serve."

**RETURNING TO PUBLIC HEARING ITEM 4A:**

Kristy Mundt, Deputy County Attorney, appeared and reminded the Board that if they choose to deny the application, it is only a recommendation. The Liquor Control Commission can proceed with approval. Regarding a waiting period, Mundt said, the applicant could reapply immediately.

**ROLL CALL FOR DENIAL:** Workman, Hudkins, Schorr and Heier voted aye. Stevens voted no. Motion carried.

**NEW BUSINESS ITEM 6L:**

**Appointment of the following individuals to the Visitors Promotion Committee:**

- ▶ **Jenny Higgins** to fulfill the unexpired term of Pat Hardesty.
- ▶ **Glyn Lacey** to fulfill the unexpired term of Mark Lutz.

Sandi Witkowicz, Director of the Convention and Visitors Bureau, appeared and introduced Jenny Higgins and Glyn Lacey to the Board.

**MOTION:** Schorr moved and Workman seconded approval of the appointment of Jenny Higgins and Glyn Lacey to the Visitors Promotion Committee. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

**NEW BUSINESS ITEM 6M:**

**M. Appointment of Clarice Steffens, Jay H. Wilkinson and Carna Pfeil to the Lancaster County Extension Board beginning January, 2004 and ending January, 2007.**

Jay Wilkinson appeared and gave a brief overview of his background in relation to the Extension Board.

**NEW BUSINESS ITEM 6M CONTINUED:**

**MOTION:** Stevens moved and Hudkins seconded approval of the appointment of Clarice Steffens, Jay H. Wilkinson and Carna Pfeil to the Lancaster County Extension Board beginning January, 2004 and ending January, 2007. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

**6) NEW BUSINESS:**

**A. A contract for professional services with the Board of Regents, University of Nebraska, University of Nebraska Public Policy Center for the implementation of the Human Services Needs Assessment and Comprehensive Plan. The County will pay up to \$105,000. Term of the agreement is July 1, 2003 through June 30, 2004. (C-03-0644)**

**MOTION:** Workman moved and Stevens seconded approval of a contract for professional services with the Board of Regents, University of Nebraska, University of Nebraska Public Policy Center for the implementation of the Human Services Needs Assessment and Comprehensive Plan. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

**B. A resolution approving the issuance, sale and delivery by Hospital Authority Number 1 of Lancaster County, Nebraska of, not to exceed \$1,300,000 principal amount of its Revenue Bonds, Series 2003 (Lincoln and Lancaster County Child Guidance Center, Inc. Project) solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended; and related matters. (R-03-0130)**

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Stevens seconded approval of Resolution 03-0130 approving the issuance, sale and delivery by Hospital Authority Number 1 of Lancaster County, Nebraska of, not to exceed \$1,300,000 principal amount of its Revenue Bonds, Series 2003 (Lincoln and Lancaster County Child Guidance Center, Inc. Project). Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

**C. An agreement with Cornhusker Council Outdoor Education Center to rent space for the annual meeting between the County Board and the County villages. The County will pay \$80 for the use of the education center. The agreement is for January 20, 2004. (C-03-0645)**

**MOTION:** Stevens moved and Schorr seconded approval of an agreement with Cornhusker Council Outdoor Education Center to rent space for the annual meeting between the County Board and the County villages.

Workman noted that he is a member of the Board of Directors of the Boy Scouts and would abstain from voting.

**ROLL CALL:** Hudkins, Stevens, Schorr and Heier voted aye. Workman abstained from voting. Motion carried.

**D. An interlocal agreement between the State of Nebraska, Department of Health and Human Services and the Lancaster County Community Mental Health Center to gain data from the current Harvest Project, a collaborative program developed by the Lincoln Information for the Elderly, the Community Mental Health Center and CenterPointe. The length of the agreement is September 1, 2003 through June 30, 2004. The Department will pay the County \$45,000 to observe the Harvest Project. (C-03-0646)**

By direction of the Chair, the interlocal agreement was held.

**E. A lease agreement between Lancaster County, on behalf of Families First and Foremost, and Cedars Youth Services for the lease of approximately 970 square feet in the Northbridge Building located at 1533 North 27th street, Lincoln, Nebraska. Term of the lease is February 1, 2004 through June 30, 2004. The County will pay \$650 per month for lease of the premises. (C-03-0647)**

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Schorr moved and Hudkins seconded approval of a lease agreement between Lancaster County, on behalf of Families First and Foremost, and Cedars Youth Services for the lease of approximately 970 square feet in the Northbridge Building located at 1533 North 27th Street, Lincoln, Nebraska. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

**F. An agreement with The Connecting Link for Third Party Facilitation and Team Building workshops for the Community Mental Health Center. Term of the agreement will be from November 15, 2003 through December 31, 2003. The County will pay up to \$5,000 for the services. (C-03-0648)**

**MOTION:** Hudkins moved and Stevens seconded approval of an agreement with The Connecting Link for Third Party Facilitation and Team Building workshops for the Community Mental Health Center. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

**G. An interlocal agreement with Hall County for the safekeeping, care and sustenance of juveniles while at the Juvenile Detention Center. Lancaster County will be reimbursed \$213 per youth, per day from Hall County. The agreement is effective upon execution and has a 30 day termination provision. (C-03-0653)**

**MOTION:** Schorr moved and Stevens seconded approval of an interlocal agreement with Hall County for the safekeeping, care and sustenance of juveniles while at the Juvenile Detention Center. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

**H. Acceptance of the renewal rates for the County sponsored health insurance plan issued and administered by United Healthcare. The renewal term is effective January 1, 2004 through December 31, 2004. (C-03-0652)**

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Stevens seconded approval to accept the renewal rates for the County sponsored health insurance plan issued and administered by United Healthcare. The renewal term is effective January 1, 2004 through December 31, 2004. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

**I. A resolution authorizing the following traffic signs in Lancaster County: (R-03-0129)**

- ▶ Removal of the advance railroad crossing warning signs on Firth Road for east and westbound traffic in advance of the Burlington Northern Santa Fe railroad crossing west of South 82<sup>nd</sup> Street.
- ▶ Installation of a "45 Mile Per Hour" speed limit sign on Firth Road west of South 82<sup>nd</sup> Street for westbound traffic.
- ▶ Relocation of the existing "55 Mile Per Hour" speed limit sign on Firth Road for westbound traffic to 1,550 feet west of South 82<sup>nd</sup> Street.
- ▶ Installation of a "45 Mile Per Hour" speed limit sign on Firth Road 1,550 feet west of South 82<sup>nd</sup> Street for eastbound traffic.
- ▶ Relocation of the existing "Reduced Speed Ahead" sign on Firth Road for eastbound traffic to 1,800 feet west of South 82<sup>nd</sup> Street.
- ▶ Installation of reverse curve signs on Firth Road, one 875 feet west of South 82<sup>nd</sup> Street for westbound traffic and one 2,400 feet west of South 82<sup>nd</sup> Street for eastbound traffic.
- ▶ Installation of hazard markers at the entrance and exit corners of County Bridge X-277 located on Firth Road west of South 82<sup>nd</sup> Street for east and westbound traffic in accordance with County Resolution 98-1769.
- ▶ Installation of "Stop" signs on Saltillo Road for east and westbound traffic at the intersection with South 120<sup>th</sup> Street. This will provide a four-way stop at the intersection.
- ▶ Installation of four-way signs below each "Stop" sign at the intersection of South 120<sup>th</sup> Street and Saltillo Road.
- ▶ Installation of "Stop Ahead" signs, one for eastbound traffic on Saltillo Road west of the South 120<sup>th</sup> Street intersection and one for westbound traffic on Saltillo Road east of the South 120<sup>th</sup> Street intersection.

**After two months (February 9, 2004) the following sign changes will be made at the intersection of South 120<sup>th</sup> Street and Saltillo Road:**

- ▶ Removal of "Stop" signs on South 120<sup>th</sup> Street for north and southbound traffic.
- ▶ Removal of four-way signs below each "Stop" sign at the intersection.
- ▶ Installation of "Cross Traffic Does Not Stop" signs below the "Stop" signs on Saltillo Road for east and westbound traffic.

6) **NEW BUSINESS CONTINUED:**

**Removal of the warning signs will take place after a six-month adjustment period.**

**MOTION:** Stevens moved and Workman seconded approval of Resolution 03-0129 authorizing traffic signs in Lancaster County, Nebraska. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

**J. Designation of the following as official newspapers for Lancaster County for publication of transportation projects for 2004:**

- ▶ Lincoln Journal Star
- ▶ Voice (Hickman)
- ▶ Seward Independent
- ▶ Crete News
- ▶ The News (Waverly)

**MOTION:** Schorr moved and Workman seconded approval of the designation of the Lincoln Journal Star, Hickman Voice, Seward Independent, Crete News and the Waverly News as official newspapers for Lancaster County for publication of transportation projects for 2004. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

**K. Appointment of Melinda E. Pearson and Eugene W. Carroll to the Lincoln-Lancaster Planning Commission for six year terms, expiring August 24, 2009.**

This item moved forward on the agenda.

**L. Appointment of the following individuals to the Visitors Promotion Committee:**

- ▶ **Jenny Higgins** to fulfill the unexpired term of Pat Hardesty.
- ▶ **Glyn Lacey** to fulfill the unexpired term of Mark Lutz.

This item moved forward on the agenda.

6) **NEW BUSINESS CONTINUED:**

**M. Appointment of Clarice Steffens, Jay H. Wilkinson and Carna Pfeil to the Lancaster County Extension Board beginning January, 2004 and ending January, 2007.**

This item moved forward on the agenda.

7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

**A. Receive and Place on File:**

1. **County Clerk's Monthly Report for November, 2003.**
2. **Clerk of the District Court's Report for July through October, 2003.**

**B. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following individuals:**

**Harold and Letty Mundt**, in the amount of \$104.80, on West Panama Road east of Southwest 126th Street; Project C.P.-V-111. (C-03-0649)

**Donald and Sandra Ehlers**, in the amount of \$243.50, on Bennet Road east of South 110th Street' Project C.P.-R-130. (C-03-0650)

**Max and Dorothy Hansen**, in the amount of \$234.50, on South 110th Street south of Bennet Road; Project C.P.-R-132. (C-03-0651)

**MOTION:** Stevens moved and Hudkins seconded approval of the Consent Items. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

8) **ADJOURNMENT:**

**MOTION:** Stevens moved and Schorr seconded adjournment of the Board of Commissioners meeting at 2:25 p.m..

8) **ADJOURNMENT CONTINUED:**

Workman asked if they would be holding their regular meeting on December 23<sup>rd</sup>.

Kerry Eagan, Chief Administrative Officer, stated he would schedule the item for the Staff Meeting on Thursday, December 11, 2003.

**ROLL CALL:** Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, DECEMBER 9, 2003  
COUNTY COMMISSIONERS CHAMBERS, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

Commissioners Present: Bernie Heier, Chair  
Ray Stevens, Vice Chair  
Larry Hudkins  
Deb Schorr  
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Trish Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:27 p.m..

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, December 2, 2003.

**MOTION:** Workman moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting dated December 2, 2003. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 90 additions and deductions to the tax assessment rolls per Exhibit "A".

3) **ADDITIONS AND DEDUCTIONS CONTINUED:**

**MOTION:** Stevens moved and Workman seconded approval of the additions and deductions to the tax assessment rolls. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Christian Retirement Homes, Inc. d/b/a Eastmont Towers  
Horizons Community Church  
Lincoln Christian School  
Nebraska Crop Improvement Association**

**MOTION:** Schorr moved and Hudkins seconded approval of the motor vehicle tax exemptions.

Stevens noted that both the approved and disapproval boxes on the exemption form for Lincoln Christian School were marked and asked if it could be held until the December 16<sup>th</sup> meeting.

Trish Owen, Chief Deputy County Clerk, noted, after visiting with the County Treasurer, that recommendation for Lincoln Christian School should be approval.

Both the maker of the motion and the seconder agreed to the correction.

**ROLL CALL:** Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

5) **ADJOURNMENT:**

**MOTION:** Workman moved and Hudkins seconded adjournment of the Board of Equalization meeting at 2:30 p.m.. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

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Bruce Medcalf  
County Clerk